

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

THE UNITED STATES OF AMERICA, )  
Plaintiff, ) No.: 2:19-cv-231  
v. ) CIVIL COMPLAINT  
TRIDENT SEAFOODS CORP., )  
Royal Viking, Inc., Golden Dawn, LLC )  
Defendants. )

18 Defendants Trident Seafoods Corporation (“Trident”), Royal Viking, Inc., and Golden  
19 Dawn, LLC (collectively, “Defendants”) own and/or operate fishing and seafood processing  
20 vessels off the coast of Alaska and the Pacific Northwest, and Trident owns and operates seafood  
21 processing and cold storage facilities and vessels throughout Alaska and the continental United  
22 States. Defendant Trident’s facilities and Defendants’ vessels employ refrigeration appliances  
23 that use an ozone-depleting Refrigerant gas known as chlorodifluoromethane or HCFC-22, also  
24 known as R-22. As alleged herein, Defendants failed to comply with Title VI of the Clean Air  
25 Act (“Stratospheric Ozone Protection”), 42 U.S.C. §§ 7671-7671q, and the regulations set forth  
26 in 40 C.F.R. Part 82, Subpart F, because they failed to repair and test leaking refrigeration  
27 appliances, failed to maintain adequate records and equipment, and used uncertified technicians  
28 to service refrigeration appliances.

## NATURE OF THIS ACTION

30           1. The United States brings this civil action for injunctive relief and the imposition  
31 of civil penalties under Section 113(b) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(b), for

1 Defendants' violations of Section 608 of the CAA and the implementing regulations set forth at  
2 40 C.F.R. Part 82, Subpart F. These violations occurred at Defendant Trident's seafood  
3 processing facilities located in Alaska, and on board Defendants' vessels operating off the coast  
4 of Alaska and the Pacific Northwest.

5 JURISDICTION AND VENUE

6 2. This Court has jurisdiction over the subject matter of this action pursuant to  
7 Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1331, 1345, and 1335.

8 3. Venue is proper in the Western District of Washington pursuant to 28 U.S.C.  
9 §§ 1391(b) and (c) and 1395(a), and Section 113(b) of the CAA, 42 U.S.C. § 7413(b), because  
10 Defendants Trident and Royal Viking, Inc. reside and maintain corporate headquarters in this  
11 judicial district and all Defendants are doing business in this judicial district.

12 NOTICE TO THE STATE OF WASHINGTON

13 4. The United States has notified the State of Washington of the commencement of  
14 this action pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b).

15 PARTIES

16 5. Plaintiff is the United States of America, by authority of the Attorney General of  
17 the United States and through the undersigned attorneys, acting at the request of the  
18 Administrator of the United States Environmental Protection Agency ("EPA").

19 6. Defendant Trident is a seafood processing company. It is incorporated in the state  
20 of Washington, and its corporate headquarters is in Seattle, Washington.

21 7. Defendant Trident operates a fleet of over thirty seafood processor, catcher, and  
22 tender vessels off the coast of Alaska and the Pacific Northwest, as well as about twenty onshore  
23 processing plants throughout Alaska and the continental United States.

1           8.       Defendant Royal Viking, Inc. is a wholly owned subsidiary of Trident,  
2 incorporated in the state of Washington. It owns, and Trident operates the catcher vessels the  
3 *Columbia*, *Pacific Viking*, *Royal Viking*, and the *Viking Explorer*.

4           9.       Defendant Golden Dawn, LLC is a wholly owned subsidiary of Trident,  
5       incorporated in the state of Alaska and registered to do business in the state of Washington. It  
6       owns, and Trident operates the catcher vessel the *Golden Dawn*.

## **STATUTORY AND REGULATORY BACKGROUND**

## Clean Air Act

9        10. Title VI of the CAA, 42 U.S.C. §§ 7671-7671q, implements the Montreal  
10      Protocol on Substances that Deplete the Ozone Layer. Title VI mandates the elimination or  
11      control of emissions of substances, known as Class I and Class II ozone-depleting substances,  
12      which are known or reasonably anticipated to cause or significantly contribute to harmful effects  
13      to the stratospheric ozone layer.

14        11. Section 608(a) of the CAA, 42 U.S.C. § 7671g(a), requires the EPA to promulgate  
15 regulations establishing standards and requirements regarding the use and disposal of Class I and  
16 Class II ozone-depleting substances during the service, repair, or disposal of appliances and  
17 industrial process refrigeration. The regulations must include requirements that “reduce the use  
18 and emission of such substances to the lowest achievable level” and “maximize the recapture and  
19 recycling of such substances.” 42 U.S.C. § 7671g(a)(3)(A) & (B). The EPA has promulgated  
20 implementing regulations pursuant to this authority, which are codified at 40 C.F.R. Part 82,  
21 Subpart F, 40 C.F.R. §§ 82.150-82.169 (“Recycling and Emissions Reduction”).<sup>1</sup>

<sup>1</sup> On November 18, 2016, the E.P.A. promulgated a Final Rule updating its 40 C.F.R. Part 82 regulations. 81 F.R. 82272 (Nov. 18, 2016). The updated rule became effective on January 1, 2017. Because this Complaint alleges violations through March 31, 2016, the prior (2016) version of the regulations applies to those violations. The applicable (2016) regulatory provisions are cited in this Complaint and are denoted with “(2016)” for clarity.

1           12.     Refrigerant as used herein means “any substance consisting in part or whole of a  
2 class I or class II ozone-depleting substance that is used for heat transfer purposes and provides a  
3 cooling effect.” 40 C.F.R. § 82.152 (2016).

4           Requirement to Repair Leaks Within Thirty Days – Commercial Refrigeration

5           Appliances

6           13.     “Commercial refrigeration” appliances are refrigeration appliances utilized in the  
7 retail food and cold storage warehouse sectors. 40 C.F.R. §§ 82.152 (2016).

8           14.     40 C.F.R. § 82.156(i)(1) (2016) provides that owners and operators of commercial  
9 refrigeration equipment normally containing more than fifty pounds of Refrigerant must have  
10 leaks repaired if the leak rate of the appliance exceeds thirty-five percent on an annual basis (i.e.,  
11 if the appliance is leaking at a rate such that it would lose more than thirty-five percent of its full  
12 charge in a twelve-month period), except as described in 40 C.F.R. §§ 82.156(i)(6) and (10)  
13 (2016). The repairs must bring the leak rate to below thirty-five percent on an annual basis. 40  
14 C.F.R. § 82.156(i)(1) (2016).

15           15.     40 C.F.R. § 82.156(i)(9) (2016) requires that owners and operators must repair  
16 leaks pursuant to 40 C.F.R. § 82.156(i)(1) (2016) within thirty days of when the leak is  
17 discovered, or, if the owners intentionally shielded themselves from information which would  
18 have revealed a leak, within thirty days after when the leaks should have been discovered, unless  
19 granted additional time pursuant to 40 C.F.R. §§ 82.156(i)(6) and (10) (2016).

20           Requirement to Repair Leaks Within Thirty Days – Industrial Process Refrigeration

21           Appliances

22           16.     “Industrial process refrigeration” appliances are, among other things, complex  
23 customized appliances used in chemical, pharmaceutical, petrochemical and manufacturing

1 industries, including industrial ice machines. These appliances are directly linked to the  
2 industrial process. 40 C.F.R. § 82.152 (2016).

3       17. 40 C.F.R. § 82.156(i)(2) (2016) provides that owners and operators of industrial  
4 process refrigeration equipment normally containing more than fifty pounds of Refrigerant must  
5 have leaks repaired if the leak rate of the appliance exceeds thirty-five percent on an annual basis  
6 (i.e., if the appliance is leaking at a rate such that it would lose more than thirty-five percent of  
7 its full charge in a twelve-month period), except as described in 40 C.F.R. §§ 82.156(i)(6), (7),  
8 and (10) (2016), and 40 C.F.R. §§ 82.156(i)(2)(i) and (i)(2)(ii) (2016). The repairs must bring  
9 the leak rate to below thirty-five percent on an annual basis.

10       18. 40 C.F.R. § 82.156(i)(9) (2016) requires that owners and operators must repair  
11 leaks pursuant to 40 C.F.R. § 82.156(i)(2) (2016) within thirty days of when the leak is  
12 discovered, or, if the owners intentionally shielded themselves from information which would  
13 have revealed a leak, within thirty days after when the leaks should have been discovered, unless  
14 granted additional time pursuant to 40 C.F.R. §§ 82.156(i)(6), (7), and (10) (2016), and 40  
15 C.F.R. §§ 82.156(i)(2)(i) and (i)(2)(ii) (2016).

16               Requirement to Perform Initial and Follow-up Verification Tests on Leaking Industrial  
17               Process Refrigeration Appliances

18       19. 40 C.F.R. § 82.156(i)(3) (2016) provides that if an industrial process refrigeration  
19 appliance is leaking at a rate exceeding thirty-five percent on an annual basis, then the owner or  
20 operator is required to repair the leak and verify the adequacy of the repair. An initial  
21 verification test must be conducted at the conclusion of repairs, and a follow-up verification test  
22 must be conducted within thirty days of the initial verification test, or no later than thirty days  
23 after startup of the appliance.

1           20. Owners or operators of refrigeration appliances undergoing leak repair are  
2 required to maintain records of initial and follow-up verification tests. The owner or operator is  
3 required to record the date, method, and result of each verification test. 40 C.F.R. § 82.166(n)(3)  
4 (2016).

5           Requirement to Maintain Adequate Service and Maintenance Records

6           21. 40 C.F.R. § 82.166(k) (2016) requires that owners and operators of refrigeration  
7 appliances normally containing fifty or more pounds of Refrigerant must keep records of any  
8 service to the appliance. These records must document the date and type of service, as well as  
9 the quantity of Refrigerant added.

10          Requirement to Have Certified Recovery or Recycling Equipment

11          22. 40 C.F.R. § 82.156(b) (2016) requires that all persons opening appliances except  
12 for small appliances, motor-vehicle air conditioners (“MVACs”) and MVAC-like appliances for  
13 maintenance, service, or repair must have at least one piece of certified, self-contained recovery  
14 or recycling equipment available at their place of business.

15          23. “Self-contained recovery equipment” means Refrigerant recovery or recycling  
16 equipment that is capable of removing the Refrigerant from an appliance without the assistance  
17 of components contained in the appliance. 40 C.F.R. § 82.152 (2016).

18          Requirement to Have Certified Technicians Perform Maintenance, Service, and Repairs

19          24. 40 C.F.R. § 82.161(a) (2016) requires that all Refrigerant technicians must be  
20 certified by an approved technician certification program.

21          25. A “technician” is “any person who performs maintenance, service, or repair, that  
22 could be reasonably expected to release refrigerants from appliances, except for MVACs, into  
23 the atmosphere.” 40 C.F.R. § 82.152 (2016). Technician includes “installers, contractor

1 employees, in-house service personnel, and in some cases owners and/or operators.” Id.  
2 Activities “could be reasonably expected to release refrigerants only if the activity is reasonably  
3 expected to violate the integrity of the refrigerant circuit,” such as “attaching and detaching  
4 hoses and gauges to and from the appliance to add or remove refrigerant or to measure pressure  
5 and adding refrigerant to and removing refrigerant from the appliance.” Id.

6 Enforcement and Penalties

7 26. Section 113(b)(2) of the CAA, 42 U.S.C. § 7413(b)(2), authorizes the United  
8 States to commence a civil action for a permanent or temporary injunction, and to assess civil  
9 penalties of not more than \$25,000 per day for each violation, whenever a person has violated or  
10 is in violation of any requirement or prohibition of Title VI of the CAA, including, but not  
11 limited to, a requirement or prohibition of any rule, order, waiver or permit promulgated, issued  
12 or approved under the CAA.

13 27. Section 113(b) of the CAA, 42 U.S.C. § 7413(b), as modified by the Debt  
14 Collection Improvements Act of 1996, 31 U.S.C. § 3701, as implemented by the Civil Monetary  
15 Penalties Inflation Rule, 40 C.F.R. Part 19, establishes maximum civil penalties for violations of  
16 the CAA. The maximum civil penalty per day per violation of the CAA is \$37,500 for violations  
17 occurring after January 12, 2009 and on or before November 2, 2015, and effective January 16,  
18 2018, \$97,229 per day per violation of the CAA for violations occurring after November 2, 2015.  
19 42 U.S.C. § 7413(b) and 40 C.F.R. § 19.4.

20 GENERAL ALLEGATIONS

21 28. Chlorodifluoromethane or HCFC-22, also known as R-22, is a Class II ozone-  
22 depleting substance within the meaning of Section 601(4) of the CAA, 42 U.S.C. § 7671(4), and  
23 is listed at 40 C.F.R. Part 82, Subpart A, Appendix B.

1           29. Pursuant to an Information Request issued under CAA Section 114, 42 U.S.C.  
2       § 7414, EPA obtained information from Trident concerning its compliance with Subchapter VI  
3       of the CAA, 42 U.S.C. §§ 7671-7671q, at its vessels and facilities, through March 31, 2016.

4           Defendants' Vessels and Facilities

5           30. Defendant Trident owns and operates at least ten seafood processing plants in  
6       Alaska, and additional plants in the continental United States. These plants include facilities  
7       located in Kodiak, Petersburg, and Sand Point in Alaska, and a facility in Everett, Washington.

8           31. The Kodiak, Petersburg, and Sand Point facilities contain industrial process  
9       refrigeration appliances that employ R-22 as a Refrigerant. The Petersburg industrial process  
10      refrigeration appliance that uses R-22 normally contains a full charge of approximately 100  
11      pounds of Refrigerant and is a closed refrigeration system, the operation of which does not  
12      consume Refrigerant.

13          32. During all or most of the time period between March 1, 2009 and the present,  
14       Defendant Trident owned and operated at least thirty-three vessels off the coast of Alaska and  
15       the Pacific Northwest, including, as relevant here, the following twenty-seven vessels: the *Alaska*  
16       *Packer*, the *Arcturus*, the *Balaena*, the *Barbara J*, the *Billikin*, the *Brittany*, the *Cape Calm*, the  
17       *Cape St. John*, the *Eastern Wind*, the *Entrance Point*, the *Farwest Leader*, the *Four Daughters*,  
18       the *Hallo Bay*, the *Independence*, the *Island Enterprise*, the *Kodiak Enterprise*, the *Last Frontier*,  
19       the *Majesty*, the *Northern Ram*, the *Northern Patriot*, the *Pacific Ram*, the *Perseverance*, the  
20       *Pribilof*, the *Seattle Enterprise*, the *Southern Wind*, the *Sovereignty*, and the *Wide Bay*.

21          33. During all or most of the time period between March 1, 2009 and the present,  
22       Defendant Royal Viking, Inc. owned, and Trident operated at least five vessels off the coast of  
23       Alaska and the Pacific Northwest, including, as relevant here, the *Columbia*, the *Pacific Viking*,

1 the *Royal Viking*, and the *Viking Explorer*.

2       34. During all or most of the time period between March 1, 2009 and the present,  
3 Defendant Golden Dawn, LLC. owned, and Trident operated the vessel *Golden Dawn* off the  
4 coast of Alaska and the Pacific Northwest.

5       35. The *Alaska Packer* and *Pribilof* are no longer part of Defendant Trident's fleet;  
6 the rest of the vessels listed in the preceding Paragraphs 32 through 34 remain in service.

7       36. During all or most of the time period between March 1, 2009, and the present, all  
8 of the thirty-two vessels listed in Paragraph 32 through 34 carried one or more industrial process  
9 refrigeration appliances, within the meaning of 40 C.F.R. §§ 82.152 and 82.156(j) (2016), that  
10 were owned or operated by Defendants and that normally contained a full charge of at least fifty  
11 pounds of R-22. In addition, the *Pribilof* vessel also carried a commercial refrigeration appliance  
12 that normally contained at least fifty pounds of R-22.

13       37. On information and belief, subject to a reasonable opportunity for further  
14 investigation and discovery, all of the industrial process refrigeration appliances in the preceding  
15 Paragraphs 32 through 34 operated as closed refrigeration systems, the operation of which does  
16 not consume Refrigerant.

17       38. On information and belief, subject to a reasonable opportunity for further  
18 investigation and discovery, during all times relevant to this Complaint, Defendants did not  
19 submit plans to retrofit or retire any of the refrigeration appliances at any of the vessels or  
20 facilities described in the preceding paragraphs, and did not subject any of the appliances to an  
21 industrial process shutdown or mothballing, as defined in 40 C.F.R. § 82.152 (2016). Therefore,  
22 during all times relevant to the Complaint each of the appliances referenced herein was thus  
23 subject to the regulations codified at 40 C.F.R. Part 82, Subpart F, 40 C.F.R. §§ 82.150-82.169

<sup>1</sup> (“Recycling and Emissions Reduction”).

## **FIRST CLAIM FOR RELIEF**

**Failure to Repair Leaks on Commercial and Industrial Process Refrigeration Appliances  
in Violation of 40 C.F.R. §§ 82.156(i)(1), (i)(2), and (i)(9) (2016), against Defendant Trident**

39. Paragraphs 1 through 38 of the Complaint are incorporated by reference as if fully  
set forth herein.

8           40.     On various occasions between March 1, 2009 and March 31, 2016, Defendant  
9     Trident added Refrigerant to the *Pribilof*'s commercial refrigeration appliance and should have  
10   discovered that the appliance was leaking at a rate such that the loss of Refrigerant would exceed  
11   35 percent of its total charge during a twelve-month period.

12        41.      On numerous occasions between March 1, 2009, and the present, Defendant  
13      Trident added Refrigerant to industrial process refrigeration appliances on board the *Alaska*  
14      *Packer*, the *Brittany*, the *Entrance Point*, the *Four Daughters*, the *Independence*, the *Island*  
15      *Enterprise*, the *Kodiak Enterprise*, the *Last Frontier*, the *Seattle Enterprise*, and the *Wide Bay*,  
16      and should have discovered that the relevant appliance was leaking at a rate such that the loss of  
17      Refrigerant would exceed thirty-five percent of its total charge during a twelve-month period.

18        42. On the occasions noted in Paragraphs 40 and 41, Defendant Trident did not repair  
19 the leaks in such a way as to bring the leak rate below thirty-five percent within thirty days of  
20 when the leak was or should have been discovered, as required by 40 C.F.R. §§ 82.156(i)(1),  
21 (i)(2), and (i)(9) (2016).

22        43. As a result of Defendant Trident's failure to repair the leaks as described above,  
23 the leak rate remained above thirty-five percent at the *Pribilof* vessel for at least fifty-eight days  
24 beyond the thirty-day repair period prescribed by 40 C.F.R. § 82.156(i)(9) (2016), and the leak  
25 rate in the nine vessels listed in Paragraph 41 remained above thirty-five percent for a total of at

1 least 3,234 days beyond the thirty day repair period. Each day beyond the thirty day repair  
2 period that Defendant Trident failed to bring the annual leak rate of an appliance below thirty-  
3 five percent is a violation of 40 C.F.R. §§ 82.156(i)(1) and (i)(9) (2016) (for commercial  
4 appliances) and 40 C.F.R. §§ 82.156(i)(2) and (i)(9) (2016) (for industrial process refrigeration  
5 appliances).

6       44.     Defendant Trident is liable for injunctive relief and the assessment of civil  
7     penalties in an amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of  
8     Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per  
9     violation of the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before  
10    November 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for  
11    violations occurring after November 2, 2015.

## **SECOND CLAIM FOR RELIEF**

**Failure to Perform Initial and Follow-up Verification Tests on Leaking Industrial Process  
Refrigeration Appliances, in Violation of 40 C.F.R. § 82.156(i)(3) (2016), against  
Defendants Trident and Royal Viking, Inc.**

16                  45. Paragraphs 1 through 38 of the Complaint are incorporated by reference as if fully  
17 set forth herein.

18        46. On at least sixty-six occasions between March 1, 2009 and March 31, 2016,  
19 Defendants Trident and/or Royal Viking, Inc. repaired a leak to an industrial process  
20 refrigeration appliance without conducting an initial verification test or without conducting a  
21 follow-up verification test. These failures to conduct verification tests occurred at the following  
22 facilities or vessels: the *Alaska Packer*, the *Balaena*, the *Brittany*, the *Cape Calm*, the *Cape St*  
23 *John*, the *Entrance Point*, the *Four Daughters*, the *Hallo Bay*, the *Independence*, the *Island*  
24 *Enterprise*, the *Kodiak Enterprise*, the *Last Frontier*, the *Majesty*, the *Northern Patriot*, the  
25 *Seattle Enterprise*, the *Southern Wind*, the *Wide Bay*, and the Petersburg facility (all owned and

1 operated by Trident), and the *Viking Explorer* (owned by Royal Viking, Inc. and operated by  
2 Trident).

3 47. On each of the occasions alleged in Paragraph 46, at the time of the repair the  
4 relevant appliance was leaking at a rate such that the loss of Refrigerant would exceed thirty-five  
5 percent of the total charge during a twelve-month period.

6 48. Each such failure by Defendants Trident and Royal Viking, Inc. to conduct an  
7 initial verification test or follow-up verification test is a violation of 40 C.F.R. § 82.156(i)(3)  
8 (2016).

9 49. Defendants Trident and Royal Viking, Inc. are liable for injunctive relief and the  
10 assessment of civil penalties in an amount up to the level set forth at 40 C.F.R. § 19.4 per day for  
11 each violation of Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil  
12 penalty per day per violation of the CAA is \$37,500 for violations occurring after January 12,  
13 2009 and on or before November 2, 2015, and effective January 16, 2018, \$97,229 per day per  
14 violation of the CAA for violations occurring after November 2, 2015.

15 **THIRD CLAIM FOR RELIEF**

16 **Failure to Maintain Servicing Records, in Violation of 40 C.F.R. § 82.166(k) (2016), against  
17 all Defendants**

18 50. Paragraphs 1 through 38 of the Complaint are incorporated by reference as if fully  
19 set forth herein.

20 51. On at least 289 occasions between March 1, 2009 and March 31, 2016,  
21 Defendants performed service on appliances normally containing fifty or more pounds of  
22 Refrigerant and failed to maintain a complete record documenting the date and type of service, as  
23 well as the quantity of Refrigerant added. These failures to maintain complete records occurred  
24 in the Everett facility, as well as on board the following vessels: the *Alaska Packer*, the *Arcturus*,  
25 the *Balaena*, the *Barbara J*, the *Billikin*, the *Brittany*, the *Cape Calm*, the *Cape St John*, the

1     *Eastern Wind*, the *Entrance Point*, the *Farwest Leader*, the *Four Daughters*, the *Halibut Bay*, the  
 2     *Independence*, the *Island Enterprise*, the *Kodiak Enterprise*, the *Last Frontier*, the *Majesty*, the  
 3     *Northern Patriot*, the *Northern Ram*, the *Pacific Ram*, the *Perseverance*, the *Pribilof*, the *Seattle*  
 4     *Enterprise*, the *Southern Wind*, the *Sovereignty*, and the *Wide Bay* (all owned and operated by  
 5     Trident); the *Columbia*, the *Pacific Viking*, the *Royal Viking*, and the *Viking Explorer* (all owned  
 6     by Royal Viking, Inc. and operated by Trident); and the *Golden Dawn* (owned by Golden Dawn,  
 7     LLC and operated by Trident).

8               52.     On each of the occasions alleged in Paragraph 51, Defendants' failure to maintain  
 9     complete service records was a violation of 40 C.F.R. § 82.166(k) (2016).

10              53.     Defendants are liable for injunctive relief and the assessment of civil penalties in  
 11     an amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of Section  
 12     112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per violation of  
 13     the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before November  
 14     2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for violations  
 15     occurring after November 2, 2015.

#### FOURTH CLAIM FOR RELIEF

#### **Failure to Have Certified Recovery or Recycling Equipment, in Violation of 40 C.F.R. § 82.156(b) (2016), against Defendant Trident**

19              54.     Paragraphs 1 through 38 of the Complaint are incorporated by reference as if fully  
 20     set forth herein.

21              55.     On at least one occasion between March 1, 2009 and March 31, 2016, Defendant  
 22     Trident performed repairs and service to the *Alaska Packer*'s industrial refrigeration appliance  
 23     while the vessel was not in port, and without at least one piece of certified, self-contained  
 24     recovery equipment on board, and while its industrial refrigeration appliance was not equipped  
 25     with a pump-out unit, in violation of 40 C.F.R. § 82.156(b) (2016).

1       56.     Defendant Trident is liable for injunctive relief and the assessment of civil  
2     penalties in an amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of  
3     Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per  
4     violation of the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before  
5     November 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for  
6     violations occurring after November 2, 2015.

## **FIFTH CLAIM FOR RELIEF**

**Maintenance Services Performed by Uncertified Technicians, in Violation of 40 C.F.R.  
§ 82.161 (2016), against Defendant Trident**

10           57. Paragraphs 1 through 38 of the Complaint are incorporated by reference as if fully  
11 set forth herein.

12        58. On information and belief, subject to a reasonable opportunity for further  
13 investigation and discovery, on numerous occasions between March 1, 2009 and March 31,  
14 2016, maintenance, service, and/or repair work was performed on industrial process refrigeration  
15 appliances on board the *Island Enterprise* and the *Kodiak Enterprise*, and at the Kodiak and Sand  
16 Point facilities (all owned and operated by Defendant Trident) that could reasonably be expected  
17 to release Refrigerant from those appliances.

18        59. The maintenance, service, and/or repair work identified in Paragraph 58 was  
19        performed by at least nine individuals who were “technicians,” as defined in 40 C.F.R. § 82.152  
20        (2016), and who were not certified by an approved technician certification program under the  
21        requirements of 40 C.F.R. § 82.161(a) (2016).

22        60.     Each uncertified technician performing maintenance, service, and/or repair work  
23     that could reasonably be expected to release Refrigerant from appliances is a violation of 40  
24     C.F.R. § 82.161(a) (2016).

61. Defendant Trident is liable for injunctive relief and the assessment of civil

1 penalties in an amount up to the level set forth at 40 C.F.R. § 19.4 per day for each violation of  
2 Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7). The maximum civil penalty per day per  
3 violation of the CAA is \$37,500 for violations occurring after January 12, 2009 and on or before  
4 November 2, 2015, and effective January 16, 2018, \$97,229 per day per violation of the CAA for  
5 violations occurring after November 2, 2015.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, prays that this Court will:

8 A. Order Defendants Trident Seafoods Corporation, Royal Viking, Inc., and Golden  
9 Dawn, LLC to immediately comply with the CAA statutory and regulatory requirements cited in  
10 this Complaint;

11           B.     Assess civil penalties against Defendants for up to the maximum amounts  
12           provided in the applicable statutes;

13 C. Impose such injunctive relief on Defendants as may be appropriate to mitigate the  
14 effects of Defendants' violations, and prevent any future violations of same;

15 D. Award the United States its costs and expenses incurred in this action; and  
16 E. Grant such other relief and further relief as this Court may deem appropriate

Respectfully submitted,

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Deputy Chief  
Environmental Enforcement Section

  
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